

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

EMIL LAWRENCE,
Plaintiff,

v.

CITY AND COUNTY OF SAN
FRANCISCO, et al.,
Defendants.

Case No. [14-cv-00820-MEJ](#)

**ORDER RE: ADMINISTRATIVE
MOTION TO FILE UNDER SEAL**

Re: Dkt. No. 109

United States District Court
Northern District of California

Plaintiff Emil Lawrence moves to file under seal Exhibits 1-6 to his Opposition to Defendants' Motion for Summary Judgment. Mot. to Seal, Dkt. No. 109; *see* Opp'n, Dkt. No. 110. In support of his Motion to Seal, Plaintiff submits the Declaration of David B. Anderson stating Defendants designated these exhibits as confidential pursuant to the parties' protective order. Anderson Decl. ¶ 3, Dkt. No. 109-1; *see* Protective Order, Dkt. No. 62. Defendants did not respond to the Motion. Having considered the parties positions and the relevant legal authority, the Court issues the following order.

There is a "strong presumption in favor of access" by the public to judicial records and documents accompanying dispositive motions. *Kamakana v. City & Cty. of Honolulu*, 447 F.3d 1172, 1178-79 (9th Cir. 2006) (citing *Foltz v. State Farm Mut. Auto. Ins. Co.*, 331 F.3d 1122, 1135 (9th Cir. 2003)). To overcome this presumption, a "party must articulate compelling reasons supported by specific fact[s]." *Id.* at 1178 (internal quotation and citation omitted); *see also Apple, Inc. v. Samsung Elecs. Co.*, 727 F.3d 1214, 1223 (Fed. Cir. 2013) (finding sealing appropriate where companies "filed declarations from employees" that "explained the measures the two companies take to keep their product-specific financial information confidential" and "the harm they would suffer if their product-specific financial information were made public").

1 Indeed, such showing is required even where “the dispositive motion, or its attachments, were
2 previously filed under seal or protective order.” *Kamakana*, 447 F.3d at 1179.

3 Under the Local Rules of this District, where a party seeks to file under seal any material
4 designated as confidential by another party, the submitting party must file a motion for a sealing
5 order. *See* Civil L.R. 79-5(d)-(e). “Within 4 days of the filing of the Administrative Motion to
6 File Under Seal, the Designating Party must file a declaration . . . establishing that all of the
7 designated information is sealable.” *Id.* at 79-5(e)(1). “If the Designating Party does not file a
8 responsive declaration as required by subsection 79-5(e)(1) and the Administrative Motion to File
9 Under Seal is denied, the Submitting Party may file the document in the public record no earlier
10 than 4 days, and no later than 10 days, after the motion is denied.” *Id.* at 79-5(e)(2).

11 To date, Defendants have not filed a responsive declaration to Plaintiff’s Motion.
12 Accordingly, the Court DENIES Plaintiff’s Motion to File Under Seal and DIRECTS Plaintiff to
13 file Exhibits 1-6 in the public record, no earlier than April 6, 2017 and no later than April 14,
14 2017.

15 **IT IS SO ORDERED.**

16 Dated: March 31, 2017

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19 MARIA-ELENA JAMES
20 United States Magistrate Judge
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